

1 even though I don't know what they are, I do know  
2 that nowhere in them is any hint of any partisan  
3 politics, and nowhere in them is any hint of  
4 anything that smacks of what happened in the Alley  
5 case.

6 And that becomes significant, because we  
7 had another contested election in Pensacola at the  
8 same time as our election, where one of our circuit  
9 judges was challenged, and he successfully defended  
10 his seat.

11 So I don't know whether you'll have  
12 access to any of that material or not, but the  
13 material in that election was vastly different than  
14 the one in ours. In that election, he was referred  
15 to as one of the liberal judges appointed by Lawton  
16 Chiles. His opponent pointed to himself as having  
17 worked on the staff of Republican Congressman Joe  
18 Scarboro. And Judge Terrell was characterized for  
19 the time when he was assistant public defender as  
20 having defended some of the worst killers in  
21 Northwest Florida.

22 So there was a vast contrast between the  
23 two campaigns. But one of the reasons it is  
24 significant is because in listening to some of the  
25 criticisms of our campaign and not knowing whether

1 it's come through in the materials provided to you,  
2 the criticism voiced a real distrust of the  
3 electorate and the electorate's ability to filter  
4 this material and evaluate this material.

5 And, interestingly enough, in the campaign  
6 where Judge Terrell successfully defended himself  
7 against what appeared to be a pitch for partisan  
8 politics -- criticism of the work he had done as a  
9 public defender when he had no choice -- and,  
10 interestingly enough, many of the police officers  
11 came to me and said, "Roy, wasn't he a public  
12 defender when this happened?"

13 "Yes."

14 "Well, he didn't have any choice, did he?"

15 And at least one of the law enforcement  
16 people of the Police Benevolent Association actually  
17 endorsed Judge Terrell.

18 But the interesting thing was, in spite of  
19 two highly contested campaigns -- one of which  
20 appealed to partisan politics and were heavily  
21 Republican air and criticized Judge Terrell very  
22 heavily for the work he had done as an assistant  
23 public defender -- the electorate, which a lot of  
24 people apparently do not trust, not only filtered it  
25 out, but Judge Terrell was re-elected by a roughly

1 2-to-1 margin. Pat was elected by roughly a 2-to-1  
2 margin. There was less than one percentage point  
3 difference in the results of the two elections.

4 So in spite of the fact that many people  
5 distrust the public, the public clearly had the  
6 ability to make reasonable decisions.

7 One of the things that we realized when we  
8 started this campaign is that the public is very  
9 interested in what goes on in the criminal justice  
10 system. They're very interested in what goes on in  
11 the court system. And, obviously, county judges  
12 have civil jurisdiction; but for the most part,  
13 what the public is interested in is the criminal  
14 side of things.

15 As a lawyer, you sometimes become jaded  
16 because you see a relatively limited segment of  
17 society, and it's usually someone who is dealing  
18 with the court system. And in my case, it is very  
19 often criminal cases.

20 So it was not only refreshing but also  
21 very gratifying when we got into this campaign to  
22 realize that the electorate in our area had a  
23 tremendous interest in what was going on; they had a  
24 tremendous concern for the effect that crime is  
25 having on our community, their families and their

1 children; and that they wanted information, they  
2 wanted to know, and they wanted to make a reasoned  
3 decision. And it was our feeling that the public is  
4 entitled to know information.

5 As you can probably see from some of the  
6 information that's been given to you -- I recognize  
7 some of it from a distance, having seen it before;  
8 and one of the things we've done is brought a copy  
9 of all of the brochures used in the campaign -- is  
10 that there is an underlying theme or several  
11 underlying themes in Pat's campaign. One is that  
12 Pat Kinsey was tough, fair and compassionate. And  
13 this was not something that has just come up with  
14 the campaign; this was something that was a natural  
15 because of the work she'd done at the state  
16 attorney's office and how she had handled her cases  
17 there.

18 Another interesting thing during this  
19 campaign was that while the local bar association  
20 throughout our circuit rallied to Judge Terrell's  
21 campaign and worked very hard for him, the same  
22 thing did not happen in Pat's election. Both Pat  
23 and Judge Green had some supporters, obviously. But  
24 never during the campaign was there any sense of  
25 outrage, of unfairness, because the local bar

1 recognized that what we were talking about was how  
2 Judge Green was performing his duties.

3 Another underlying theme of the campaign  
4 was holding criminals accountable. Obviously,  
5 holding criminals accountable is something any judge  
6 should do. Obviously, though, not every defendant  
7 is a criminal. A defendant becomes a criminal only  
8 after he has been convicted.

9 A third theme in the campaign was the  
10 support of law enforcement. Law enforcement had had  
11 the opportunity over a number of years -- in Pat's  
12 case, roughly 7; in Judge Green's, 12 -- to see how  
13 they performed their duties within the system. And  
14 law enforcement rallied behind Pat to an even  
15 greater extent than I had anticipated.

16 For years, we had had people talking with  
17 us, saying "She needs to run, we need her as a  
18 judge." And we expected some help. But the amount  
19 of help we got was unbelievable.

20 For example, one of the most important  
21 things -- and this was mentioned during the  
22 campaign. I don't think it shows up in any of the  
23 literature, but it was mentioned many times -- was  
24 that every court security officer -- not most, not  
25 the majority, but every single court security

1 officer, the people who see judges work every day --  
2 either contributed money, which most of them did, or  
3 did volunteer work in Pat's campaign.

4           Virtually all of the major sign  
5 locations -- and I can assure you if you're ever in  
6 a campaign, you will get tired of building signs,  
7 although it did give me an excuse to buy an air net.  
8 But virtually every one of the major sign locations  
9 was secured by law enforcement. The signs, for the  
10 most part -- the large ones, the 4-X-8s, were  
11 installed by law enforcement.

12           We had law enforcement officers and their  
13 families manning phone banks, walking neighborhoods,  
14 waving signs. There was a tremendous effort made.

15           Now, one of the things that obviously made  
16 defense lawyers nervous -- and you probably have --  
17 I can tell you have the pamphlet that was put  
18 together by the defense lawyers' group in Pensacola.  
19 And you probably have seen or will see that my name  
20 is on that pamphlet, and I was put on that group.  
21 And it quickly became obvious that that group had an  
22 agenda and was not willing to look at this  
23 objectively. And in many ways you can't blame  
24 them.

25           Defense lawyers have things they want to

1 do for their clients, they're obligated to do. A  
2 lot of them don't recognize that there's a great  
3 deal of difference between a prosecutor's job and a  
4 defense lawyer's job.

5 A defense lawyer is an advocate for his  
6 client. A prosecutor seeks justice. And it was  
7 interesting that many of the defense lawyers who had  
8 had absolutely no problem with Pat when she was a  
9 prosecutor -- because of the fact she would listen  
10 to them and evaluate things they brought to her --  
11 suddenly became very nervous. And I think it was  
12 probably due to the support of law enforcement.  
13 And to a certain extent it's understandable.  
14 But, obviously, law enforcement was a natural  
15 constituency for Pat because of her background with  
16 the state attorney's office.

17 But in evaluating the allegations, what  
18 I've tried to do is take each one of them. For  
19 example, number one, the campaign literature stated,  
20 "Police officers should expect judges to take their  
21 testimony seriously." And "Help law enforcement  
22 officers by putting criminals where they belong,  
23 behind bars," a quote as an excerpt from a paragraph  
24 in one of the campaign brochures.

25 The full text of the paragraph actually

1 reads, "Law enforcement officers willingly risk  
2 their lives every day to protect you. They face the  
3 prospect of great bodily harm, even death, when  
4 apprehending violent criminals on our streets and in  
5 our neighborhoods. After facing these threats, your  
6 police officers expect judges to take their  
7 testimony seriously and to help law enforcement by  
8 putting criminals where they belong, behind bars."

9           You know, I've looked at that many times  
10 since this has come up. We've read the canons.  
11 Obviously, as a former prosecutor, I think everyone  
12 expected Pat to run a law-and-order campaign,  
13 especially since for years she had both seen the way  
14 Judge Green handled law enforcement officers and  
15 she'd heard their complaints, and she believed  
16 change was needed.

17           Is there anything wrong with taking a law  
18 enforcement officer's testimony seriously? No. A  
19 law enforcement officer should be treated like any  
20 other witness. Obviously, as I said earlier, not  
21 every defendant is a criminal. However, after  
22 conviction, it may well be appropriate to put a  
23 defendant in jail, because they are a criminal at  
24 that point and it's time for them to be held  
25 accountable.